IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1027 OF 2004

Suhas M. Kadrekar ..Petitioner
Vs.
Central Bank of India & Ors. ..Respondents

Mr.Chetan Agarwal for Petitioner
Mr.P.K.Rele, Ar. Advocate with Mr. Vinod Tayade i/b. Piyush Shah for Respondent.

CORAM: F.I. REBELLO &
S.P. KUKDAY, JJ.
DATE: 3RD MAY2, 2005.

P.C.

. The entire case of the Petitioner is based on the purported benefit given to one Mrs. Aruna Kanvinde. It is the case of the Petitioner that he exercised his option on 30th November, 1994 along with eight employees with covering letter reserving his right to revoke the Pension scheme. Petitioner's case is that Mrs.Aruna Kanvinde also submitted conditional letter by reserving her right. It is then set out that on 12th December, 1994 Respondent Bank returned the optional letter of Mrs. Aruna Kanvinde. As per synopsis, on 23rd January, 1996 Mrs. Kanvinde informed the Bank that she is not willing to continue with the pension scheme and her option letter should be treated as cancelled. It is further case of Petitioner that on 6th February, 1996 the Bank replied to Mrs. Kanvinde that letter submitted by her is found in order and the option has been accepted and the balance in

Bank's contribution of the Provident Fund has already been transferred to the Pension fund. It is set out in the pleadings that Petitioner entered in the service in 1961 and retired in 2001 without opting for the pension scheme.

. On behalf of the Respondent Bank a reply has been filed. Mr. Waman D. Gokhale has filed an affidavit. In paragraph 11 it is pointed out that existing staff members were given a second opportunity to submit pension options for pension within time limit i.e.29th September, 1995 to 25th January, 1996. The Petitioner did not avail of the same, although each and every member was supplied with the copy of the pension scheme. In paragraph 16, it is pointed out that though the Banks letter dated 6th February, 1996 written to Mrs.Kanvinde states that her provident fund was transferred to pension, in reality, it was not transferred since she withdrew her pension option. In other words the only basis on which the Petitioner contends that the Petitioner is similarly situated like Mrs.Kanvinde does not subsist. Further the Petitioner waited to file this Petition only after his superannuation.

. In the light of that we find no merit in the Petition. Petition disposed of.

(F.I.REBELLO,J.)

(S.P. KUKDAY,J.)